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Security Council Committee established pursuant to resolution 1540 (2004)

Note verbale dated 1 November 2004 from the Permanent Mission of Peru to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Peru to the United Nations presents its compliments to the Chairman of the Committee and, with reference to his note dated 13 August 2004, has the honour to transmit to him herewith the report of Peru on the non-proliferation of weapons of mass destruction (see annex).

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Annex to the note verbale dated 1 November 2004 from the Permanent Mission of Peru to the United Nations addressed to the Chairman of the Committee

Report on the non-proliferation of weapons of mass destruction

Pursuant to Security Council resolution 1540 (2004), Peru makes the following report on the action it has taken and will take with regard to the implementation of the resolution.

Peru is aware that the proliferation of nuclear, chemical and biological weapons (weapons of mass destruction), as well as their means of delivery, constitutes a threat to international peace and security.

Peru also recognizes the threat of terrorism and the risk that non-State groups may acquire, develop, traffic in or use weapons of mass destruction and their means of delivery.

Accordingly, Peru has conducted and continues to conduct a series of multilateral and national activities relating to the non-proliferation of weapons of mass destruction, as outlined below.

Peruvian legislation on the proliferation of weapons of mass destruction

Background

Peru signed the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (Chemical Weapons Convention) when it was opened for signature in Paris, France, on 3 January 1993.

The Peruvian Congress ratified the Convention on 19 May 1995 and the instrument of ratification was deposited on 20 July 1995.

The Convention entered into force on 29 July 1997.

Implementing legislation

Act No. 26672 of 20 October 1996 establishes the National Council for the Prohibition of Chemical Weapons (CONAPAQ) as the National Authority and designates the institutions that comprise it. It is chaired by the Assistant Secretary for Multilateral Affairs of the Ministry of External Relations, and the National Department of Industry of the Ministry of Production acts as its technical secretariat. With this legislation, article VII, paragraph 4, of the Convention was implemented.

Article 4 of Act No. 26672 incorporates into Peruvian law the prohibitions established by the Convention, thereby implementing article VIII, paragraphs 1 to 3, thereof.

Article 5 of Act No. 26672 adds to the Penal Code an article 279-A, which makes it a crime to produce, develop, traffic in, stockpile, sell, acquire, use or

possess chemical weapons, punishable by imprisonment for a term of no less than five and no more than 20 years:

Article 279-A. Production, Development and Trafficking of Chemical Weapons

Any person who produces, develops, traffics in, stockpiles, sells, acquires, uses, possesses or transfers chemical weapons — in violation of the prohibitions established in the Chemical Weapons Convention adopted by the United Nations in 1992 — or any person who promotes, supports or facilitates the commission of such acts shall be punishable by imprisonment for a term of no less than five and no more than 20 years.

Overflight clearance. In compliance with Part II.C, paragraph 22, of the Verification Annex of the Convention, the Air Transport Department of the Ministry of Transport, Communications, Housing and Construction granted permanent overflight clearance to the Organization for the Prohibition of Chemical Weapons (OPCW).

Points of entry. In compliance with Part II.C, paragraph 16, of the Verification Annex, OPCW was notified on 7 May 1997 that the point of entry into Peru is the Lima-Callao Jorge Chávez International Airport, which meets the Convention's requirements in that any site in the country can be reached from it in less than 12 hours.

On 18 September 1997, the Peruvian Government issued Supreme Decree No. 119-97-EF approving the Customs Tariff, which incorporates specific tariff subheadings for chemical compounds listed in the Chemical Weapons Convention.

Annual declarations. Peru is up to date with its annual declarations on its chemical activities and production for the previous year and those planned for the following year.

Legislative Decree No. 898 of 26 May 1998 prohibiting the possession of weapons of war, issued pursuant to Act No. 26950 granting the executive branch the power to legislate on matters of national security, amends article 279 of the Penal Code to read as follows:

"Any person who illicitly manufactures, stockpiles, supplies or possesses bombs, weapons, munitions or explosive, flammable, asphyxiating or toxic material or substances or material intended for their preparation shall be punishable by imprisonment for a term of no less than six and no more than 15 years."

Peru has adopted Act No. 28028 of 18 July 2003 on control of the use of ionizing radiation in the country, which grants the regulatory agency, the Peruvian Nuclear Energy Institute, the power to verify and inspect nuclear facilities in Peru. The importance of this law lies in the fact that it strengthens the Institute's regulatory powers.